

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03-CR-52

EKABAL (PAUL) BUSARA,

Defendant.

**ORDER DENYING PRO SE MOTION TO APPOINT COUNSEL
FOR SENTENCE FOR REDUCTION**

Defendant Ekabal (Paul) Busara was found guilty after his August 15, 2005 entry of a guilty plea to Kidnapping and Conspiracy to Commit Kidnapping, in violation of 18 U.S.C. §§ 1201(a)(1) and 1201(c) respectively. Following a successful appeal, the court ultimately resentenced Busara to 480 months imprisonment, to be followed by 3 years of supervised release. The case is now before the court on Busara's motion seeking appointment of counsel for a reduction of his sentence pursuant to Amendment 821 to the United States Sentencing Guidelines.

Amendment 821 removed or reduced the assignment of status points for determining an offender's criminal history. It can result in a reduction of the Guideline range which applies to a particular defendant. However, Busara did not receive any status points under U.S.S.G. § 4A1.1 and therefore does not qualify for any further reduction. Although he had zero criminal history points, he does not qualify for a reduction since he does not meet the criteria set forth in the Guideline. More specifically, the adjustment for certain zero-point offenders does not apply if the defendant used violence or credible threats of violence in connection with the offense or if the offense resulted in death or serious bodily injury. Both exceptions apply in this case, thus Busara

is not entitled to relief under the amendment. His motion for appointment of counsel is, therefore, denied.

Dated at Green Bay, Wisconsin this 19th day of January, 2024.

s/ William C. Griesbach
William C. Griesbach
United States District Judge